

# HOUSE BILL 212

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2lr1548  
CF SB 41

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By: **Delegates Eckardt, Haddaway–Riccio, Hershey, Jacobs, McDermott, and Smigiel**

Introduced and read first time: January 25, 2012

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 14, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Caroline County, Dorchester County, and Talbot County – Prospective**  
3 **Employees and Volunteers – Criminal History Records Check**

4 FOR the purpose of authorizing a certain officer in Caroline County, Dorchester  
5 County, and Talbot County to request from the Criminal Justice Information  
6 System Central Repository of the Department of Public Safety and Correctional  
7 Services a State and national criminal history records check for a prospective  
8 county employee or volunteer; requiring that a certain officer submit certain  
9 sets of fingerprints and fees to the Central Repository as part of the application  
10 for a criminal history records check; requiring the Central Repository to forward  
11 to the prospective employee or volunteer and a certain officer the prospective  
12 employee's or volunteer's criminal history record information under certain  
13 circumstances; establishing that information obtained from the Central  
14 Repository under this Act is confidential, may not be redisseminated, and may  
15 be used only for certain purposes; authorizing the subjects of a criminal history  
16 records check under this Act to contest the contents of a certain printed  
17 statement issued by the Central Repository; requiring the governing bodies of  
18 Caroline County, Dorchester County, and Talbot County to adopt guidelines to  
19 carry out this Act; defining a certain term; and generally relating to criminal  
20 history records checks.

21 BY renumbering

22 Article – Criminal Procedure

23 Section 10–236

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 to be Section 10–234.1  
2 Annotated Code of Maryland  
3 (2008 Replacement Volume and 2011 Supplement)

4 BY adding to  
5 Article – Criminal Procedure  
6 Section 10–231.2, 10–232.1, and 10–234.2  
7 Annotated Code of Maryland  
8 (2008 Replacement Volume and 2011 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That Section(s) 10–236 of Article – Criminal Procedure of the Annotated  
11 Code of Maryland be renumbered to be Section(s) 10–234.1.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
13 read as follows:

14 **Article – Criminal Procedure**

15 **10–231.2.**

16 (A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL  
17 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT  
18 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

19 (B) THE DIRECTOR OF HUMAN RESOURCES OF CAROLINE COUNTY  
20 MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL  
21 CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR  
22 VOLUNTEER OF CAROLINE COUNTY.

23 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY  
24 RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES FOR CAROLINE  
25 COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

26 (I) TWO COMPLETE SETS OF THE PROSPECTIVE  
27 EMPLOYEE’S OR VOLUNTEER’S LEGIBLE FINGERPRINTS TAKEN ON FORMS  
28 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE  
29 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

30 (II) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THIS  
31 SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

32 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE  
33 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
34 RECORDS CHECK.

1           **(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS**  
2 **SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE**  
3 **EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES OF**  
4 **CAROLINE COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S**  
5 **CRIMINAL HISTORY RECORD INFORMATION.**

6           **(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**  
7 **UNDER THIS SECTION:**

8                   **(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**  
9 **AND**

10                   **(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED**  
11 **PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER FOR THE**  
12 **COUNTY AS AUTHORIZED BY THIS SECTION.**

13           **(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**  
14 **UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED**  
15 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223**  
16 **OF THIS SUBTITLE.**

17           **(D) THE GOVERNING BODY OF CAROLINE COUNTY SHALL ADOPT**  
18 **GUIDELINES TO CARRY OUT THIS SECTION.**

19 **10-232.1.**

20           **(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**  
21 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**  
22 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

23           **(B) THE DIRECTOR OF HUMAN RESOURCES OF DORCHESTER COUNTY**  
24 **MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL**  
25 **CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR**  
26 **VOLUNTEER OF DORCHESTER COUNTY.**

27           **(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**  
28 **RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF DORCHESTER**  
29 **COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

30                   **(I) TWO COMPLETE SETS OF THE PROSPECTIVE**  
31 **EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS**

1 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE  
2 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

3 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS  
4 SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

5 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE  
6 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
7 RECORDS CHECK.

8 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS  
9 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE  
10 EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES THE  
11 PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY RECORD  
12 INFORMATION.

13 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY  
14 UNDER THIS SECTION:

15 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;  
16 AND

17 (II) MAY BE USED ONLY FOR A PERSONNEL-RELATED  
18 PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF THE  
19 COUNTY AS AUTHORIZED BY THIS SECTION.

20 (4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK  
21 UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED  
22 STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223  
23 OF THIS SUBTITLE.

24 (D) THE GOVERNING BODY OF DORCHESTER COUNTY SHALL ADOPT  
25 GUIDELINES TO CARRY OUT THIS SECTION.

26 10-234.2.

27 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL  
28 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT  
29 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

30 (B) THE DIRECTOR OF ADMINISTRATIVE SERVICES OF TALBOT  
31 COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND

1 NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE  
2 EMPLOYEE OR VOLUNTEER OF TALBOT COUNTY.

3 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY  
4 RECORDS CHECK, THE DIRECTOR OF ADMINISTRATIVE SERVICES SHALL  
5 SUBMIT TO THE CENTRAL REPOSITORY:

6 (I) TWO COMPLETE SETS OF THE PROSPECTIVE  
7 EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS  
8 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE  
9 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

10 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS  
11 SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

12 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE  
13 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
14 RECORDS CHECK.

15 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS  
16 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE  
17 EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF ADMINISTRATIVE SERVICES  
18 OF TALBOT COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S  
19 CRIMINAL HISTORY RECORD INFORMATION.

20 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY  
21 UNDER THIS SECTION:

22 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;  
23 AND

24 (II) MAY BE USED ONLY FOR A PERSONNEL-RELATED  
25 PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OF OR VOLUNTEER FOR THE  
26 COUNTY AS AUTHORIZED BY THIS SECTION.

27 (4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK  
28 UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED  
29 STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223  
30 OF THIS SUBTITLE.

31 (D) THE GOVERNING BODY OF TALBOT COUNTY SHALL ADOPT  
32 GUIDELINES TO CARRY OUT THIS SECTION.

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   July 1, 2012.